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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,928	11/13/2003	Naohiko Tsuzuki	F-8041	9881
28107	7590	11/01/2004		
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168				
EXAMINER KERNS, KEVIN P				
ART UNIT 1725				
PAPER NUMBER				

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,928

Applicant(s)

TSUZUKI ET AL.

Examiner

Kevin P. Kerns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/13/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 54, 55, 56, 57, and 58 (Figure 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: on page 19, 10th line, "11a" should be changed to "11". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki (US 4,044,653).

Aoki discloses a hydraulic control apparatus for injection molding or die casting, in which the apparatus includes an injection cylinder 1 for injection of molten material into a mold cavity; a motor-driven single two-way hydraulic pump P; a hydraulic circuit that includes a series of solenoid valves to control pressure to the hydraulic fluid pipelines; and a hydraulic controller in the form of an electrical relay and timer circuit, or a combination of circuit and limit switches, being operative to control a discharge rate of

the hydraulic pump (abstract; column 1, lines 11-18; column 2, lines 5-62; column 3, lines 11-68; column 4, lines 1-14; and Figures 1-4).

6. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (US 5,443,782).

Nakamura et al. disclose a method and apparatus for injection molding, or die casting, in which the apparatus includes an injection cylinder 1 for injection of molten material into a mold cavity; a motor-driven single two-way hydraulic pump PV; a hydraulic circuit that includes a series of shifting valves to control pressure to the hydraulic fluid pipelines; and a hydraulic controller operative to control a discharge rate of the hydraulic pump (abstract; column 1, lines 9-18; column 2, lines 29-68; column 3, lines 1-27; column 4, lines 1-68; column 5, lines 1-68; column 6, lines 1-48; and Figures 1 and 2).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki (US 4,044,653).

Aoki discloses the elements of claim 1 above. Aoki does not specifically disclose a plurality of two-way hydraulic pumps.

However, one of ordinary skill in the art would have recognized that Aoki's teachings of the motor-driven single two-way hydraulic pump, in combination with the hydraulic circuit that includes a series of solenoid valves to control pressure to the hydraulic fluid pipelines, would readily be modified to serve as a substantial equivalent to a plurality of two-way hydraulic pumps, as pressure is controlled in various localized regions via the valve system, thus more accurately controlling the pressure of the hydraulic fluid in the hydraulic cylinder and resulting in reduced defects on the surfaces of molded articles (Aoki; abstract; column 1, lines 11-18; and column 2, lines 5-46).

10. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki (US 4,044,653) in view of Mizunaga et al. (JP 10-202354).

Aoki discloses and/or suggests the elements of claims 1 and 2 above. Aoki does not disclose that the two-way hydraulic pumps are servomotors.

However, Mizunaga et al. disclose an injection control method and device in a die casting machine, in which the device includes a servomotor 21 having controlled speed and torque variation, such that injection of the molten material is accurately controlled, resulting in a uniform, stable formed product (abstract; and Figures 1-4).

It would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to modify the hydraulic control apparatus to control injection, as disclosed/suggested by Aoki, by using one or more servomotors, as taught by Mizunaga et al., in order to accurately control injection of the molten material, resulting in a uniform, stable formed product (Mizunaga et al.; abstract).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Stummer et al. and Tsuji references are also cited in PTO-892.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (571) 272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin P. Kerns *Kevin Kerns 10/27/04*
Examiner
Art Unit 1725

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October 27, 2004